



PUBLIC NOTICE

Federal Communications Commission
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COMMENT SOUGHT ON ACS PETITION FOR CONVERSION TO PRICE CAP REGULATION AND FOR LIMITED WAIVER RELIEF

WC Docket No. 08-220

COMMENTS DUE: December 8, 2008

REPLY COMMENTS DUE: December 23, 2008

On October 23, 2008, ACS of Alaska, Inc., ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of the Northland, Inc. (collectively ACS) filed a petition to convert its rate-of-return study areas to price cap regulation, and, to the extent necessary, requested limited waivers of the Commission's rules.¹ ACS proposes to use a similar structure to convert to price caps as has been previously approved by the Commission.² Specifically, ACS notes that the Commission recently allowed four other midsize carriers "to convert from rate-of-return to price cap regulation by establishing initial price cap indices (PCIs) for their price cap baskets, and in particular has allowed carriers to target their average traffic sensitive ('ATS') rates to the applicable target specified in Section 61.3(qq) of the Commission's rules."³ ACS further explains that the Commission has permitted carriers "to retain per-line ICLS based on their per-line disaggregated ICLS amounts in the year preceding conversion to price cap status, frozen at those per-line levels on a going-forward basis, with aggregate annual ICLS support capped at an amount equal to overall ICLS in the year preceding conversion to price cap status (after application of any required true-ups)."⁴ ACS asks that the requested waivers be granted to allow it to convert to price cap regulation as of July 1, 2009.⁵ Interested parties may file comments on or before **December 8, 2008** and reply comments on or before **December 23, 2008**. Comments may be filed: (1) using the Commission's Electronic

¹ ACS of Alaska, Inc., ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of the Northland, Inc., Petition for Conversion to Price Cap Regulation and for Limited Waiver Relief, WC Docket No. 08-220 (filed Oct. 23, 2008).

² *Id.* at 4.

³ *Id.* at 3 (citing *Petition of Puerto Rico Telephone Company, Inc. for Election of Price Cap Regulation and Limited Waiver of Pricing and Universal Service Rules; Consolidated Communications Petition for Conversion to Price Cap Regulation and for Limited Waiver Relief; Frontier Petition for Limited Waiver Relief upon Conversion of Global Valley Networks, Inc. to Price Cap Regulation*, WC Docket Nos. 07-291, 07-292, 08-18, Order, 23 FCC Rcd 7353 (Wireline Comp. Bur. 2008); *Windstream Petition for Conversion to Price Cap Regulation and for Limited Waiver Relief*, WC Docket No. 07-171, Order, 23 FCC Rcd 5294 (2008)).

⁴ *Id.*

⁵ *Id.* at 11.

Comment Filing System (ECFS), (2) using the Federal Government's eRulemaking Portal, or (3) by submitting paper copies.⁶

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the Web sites for submitting comments. For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Douglas Slotten, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A233, 445 12th Street, SW, Washington, DC 20554, or by e-mail to Douglas.Slotten@fcc.gov. Parties shall also serve one copy

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th St., SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. 08-220 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

For further information, contact Douglas Slotten of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1572.

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